REMARKS/ARGUMENTS

By the present amendment, claim 37 has been amended in order to specify that the lyophilized preparation is reconstituted in a physiologically compatible medium prior to administration to the animal. Support for the amendment can be found on page 12, lines 21-23. The amendment does not contain new matter and its entry is respectfully requested. Also, a minor typographical error has been corrected in claim 39.

The Official Action dated November 26, 2003 has been carefully considered. It is believed that the amended claims and the following comments represent a complete response to the Examiner's rejections and place the present application in condition for allowance. Reconsideration is respectfully requested.

Specification

We note the Examiner's comments regarding use of the trademark "TWEEN" and respectfully submit that it is properly identified as a trademark in the specification at least at page 6, lines 25-28 and page 7, line 14. We feel it is unnecessary and unduly burdensome on the Applicant to amend the entire specification in order to capitalize "TWEEN" throughout the application. Withdrawal of this request is respectfully requested.

Claim Objections

The Examiner has objected to claims 57-73 under 37 CFR 1.75(c) as being improper for failing to further limit the subject matter of a previous claim. We respectfully disagree with the Examiner for the reasons that follow.

Claim 57 is an independent claim that is of a different scope from independent claim 23. Thus, 37 CFR 1.75(c) does not apply since 37 CFR 1.75(c) only applies to the case of a dependent claim which depends from another claim, and not to the case of two independent claims.

In addition, independent claim 23 is drawn to any immune globulin but specifies that the concentration of the immune globulin is about 2 wt % to about 10 wt % of the preparation. Independent claim 57 is clearly of a different scope than independent claim 22 since claim 57 is limited to a polyclonal immune globulin and claim 57 does not specify a concentration of the immune globulin. Therefore, since 37 CFR 1.75(c) does not apply and claims 23 and 57 are not of identical scope, withdrawal of this objection is respectfully requested.

35 USC §112, First Paragraph

The Examiner has objected to claims 57-73 under 35 USC §112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. We respectfully disagree with the Examiner for the reasons that follow.

The application has clear and unambiguous support for the term "polyclonal immune globulin". In particular, the specification states at page 15, lines 11-12 that the immune globulin of the present invention can by any immune globulin. Also, at page 15, lines 18-24, the specification states,

> "An example of immune globulin that can be used in the present invention is Rh immune globulin or Rh antibodies... The Rh antibodies of the present invention may be preparations from...polyclonal antibodies..."

From this it is clear that the immune globulin of the present invention can be Rh antibodies and that the Rh antibodies can be "polyclonal antibodies".

In addition, on page 16, line 3 through to page 17, line 31, the preparation of polyclonal anti-Rh_oD antibodies is described. The commercially available preparations described on page 16, lines 19-22 are polyclonal antibody preparations. Further, in the Examples, the anti-Rh_oD immune globulin that was used is a polyclonal preparation.

In summary, the specification teaches the combination of surfactants with immune gobulin. From the discussion above, it is clear that polyclonal antibodies are disclosed as being one of the types of immune globulin that can be employed in the invention. Moreover, a method for making polyclonal antibodies is disclosed on page 16-17, as are commercial polyclonal antibodies. Finally, the Examples exemplify the use of polyclonal antibodies in a method in accordance with the present invention. Therefore, we respectfully submit that the Examiner's statement that "the specification fails to provide support for the combination of an non-ionic surface-active agent with the polyclonal immune globulin to create a method that increases serum half life" is incorrect.

In view of the foregoing, we respectfully request that the rejection of claims 57-73 under 35 USC §112, first paragraph, be withdrawn.

35 USC §112, Second Paragraph

The Examiner has rejected claim 37 under 35 USC §112, second paragraph as being indefinite. In response, claim 37 has been amended in order to specify that the lyophilized preparatio is reconstituted prior to administration. It is considered that this amendment addresses the Examiner's concern in regard to claim 37.

In view of the foregoing, we respectfully request that the rejection of claim 37 under 35 USC §112, second paragraph, be withdrawn.

We acknowledge the Examiner's conclusion that claims 23-29, 31-36 and 38-39 are allowable, with appreciation.

The Commissioner is hereby authorized to charge any deficiency in fees (including any claim fees) or credit any overpayment to Deposit Account No. 50-0462.

In view of the foregoing, we submit that the application is in order for allowance and an early indication to that effect would be greatly appreciated. Should the Examiner like to

discuss the matter, she is kindly requested to contact the undersigned at her convenience.

Respectfully submitted,

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